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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,998	10/25/2001	Steven Joseph Hamrock	57078US002	4878

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EXAMINER
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LAMBKIN, DEBORAH C

ART UNIT	PAPER NUMBER
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1626

DATE MAILED: 09/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/041,998

Applicant(s)

HAMROCK, STEVEN JOSEPH

Examiner

Deborah C Lambkin

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 19-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-30 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.                      6) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

Applicant's election without traverse of Group I in Paper No. 6 is acknowledged.

Claims 19-30 is withdrawn from consideration as being drawn to a non-elected invention.

Claim 22 belongs in Group II.

Applicant is requested to cancel the non-elected subject matter. Applicant's right to file divisional(s) to said non-elected subject matter is hereby reserved.

Claims 1-18 were examined in this application.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Certain definitions contained in these claims recite the language "including"; such language is impermissible since it is indefinite because it is not clear what's excluded.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sakaguchi et al (US 5,723,664); Armand (US 5,072,040); Desmarteau (US 5,463,005); Waddell et al (US 5,514,493); Koch et al (US 5,827,602) and Mao et al (US 6,090,895), each individually.

Sakaguchi et al teach sulfonamides of the formual (2), (col.1, lines 48-55), which read on the instant genus, see examples 1-10.

Armand also teaches the same sulfonylimides which read on the instant genus, see general formula  $M[RfSO_2)_2N]_y$  and examples 1-7.

Desmarteau teaches persulfonated sulfonyl compounds of the formula - $CF_2SO_2NSO_2Rf$ - and examples 1-14, which reads on the instant genus.

Waddell et al teach perfluoroalkylsulfonates of formula 5, (col.2, lines 60-63), and examples 2, 4, 5, 6, which read on the instant genus.

Koch et al teach bissulfonylimde ionic compounds wherein the cations are pyridium, pyridazium, etc., see col. 2, lines 20-65, which reads on the instant genus.

Mao et al teaches bis-sulfonylimide compponds of the formula  $-Aon-N-[M^+]-AOn-$ , and the exemplified species, see cols. 5-8, which reads on the instant genus.

There is no patentable distinction see between the compounds taught in the above prior art references and those of the instant claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Sakaguchi et al (US 5,723,664); Armand (US 5,072,040); Desmarteau (US 5,463,005); Waddell et al (US 5,514,493); Koch et al (US 5,827,602) and Mao et al (US 6,090,895).

The above listed prior art references as a whole teach generically and specifically, in some instances, the instant bissulfonylimide compounds. There is nothing unobvious in choosing a species from a prior art genus, motivation being that said species would be expected to possess the same or similar properties as their exemplified counterparts, in this case ions for electrolyte solutions, absent some unobvious or unexpected results.


No unobvious or unexpected results are seen.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah C Lambkin whose telephone number is 703-308-4522. The examiner can normally be reached on 9.00-5.30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 703-308-4537. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

  
DEBORAH C. LAMBKIN  
PRIMARY EXAMINER

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